1. Introduction

1.1 This Guidance Note is aimed at giving advice on health and safety issues to young people or anyone employing young people, including employers who provide work experience for those under the age of 18. The following definitions for ‘young people’ and ‘children’ are used in relation to legislation and the workplace:

- A “child” is defined as a person who is not over compulsory school age. In general terms this means five to sixteen years. However, the sixteenth birthday does not necessarily coincide with the end of compulsory school age.
- School leaving age in Scotland is reached on either 31 May or the start of the Christmas holidays (or 21 December) for children who reach 16, depending on their date of birth. (s.33 Education (Scotland) Act 1980).
- A “young person” is defined as a person who has not yet reached the age of 18.

1.2 Night-time is the period between 11pm and 6am, though employers and workers can choose a different period. If they do, it must be at least seven hours long and include the period from midnight to 5 am.

2. Legal Requirements

2.1 The current legal standards that apply are:

- The Health and Safety at Work etc Act 1974
- The Education Act 1996
- The Management of Health and Safety at Work Regulation 1999
- The Health and Safety (Training for Employment) Regulations 1990

2.2 The Health and Safety (Young Persons) Regulations 1997 were incorporated into an amendment of the Management of Health and Safety at Work Regulations 1999. The amendment consolidated the regulations that had been introduced over that period.
2.3 The 1999 Regulations require employers to:

- Assess risks to all young people under 18 years of age, **before** they start work.
- Ensure the risk assessment takes into account their psychological or physical immaturity, inexperience, and lack of awareness of risks.
- Introduce control measures to eliminate or minimise the risks, so far as is reasonably practicable.
- Provide certain information to employees and to the parents/guardians of children.
- Two exemptions to the requirements of the 1997 Regulations are:
  - Occasional or short-term work in a family undertaking where the work is not considered harmful, damaging or dangerous to young persons.
  - Domestic service within a private household, such as babysitting.

2.4 There are a number of restrictions on the employment of children and an employer may be prosecuted for employing a child incorrectly. If in doubt concerning the correct age of a child or young person the employer should either demand to see a copy of that person's birth certificate or other evidence of their age.

3. **Work experience and training**

3.1 Many children who are in their last year of compulsory schooling usually participate in work placement schemes approved by the Education Department. This usually takes the form of a one-week placement. The Education Act 1996 places certain limitations on the type of work, by prohibiting work experience where the work concerned is subject to a statutory restriction based on age limits. There may also be local by-laws prohibiting certain work for anyone under 16. The Education Department manages the work experience scheme and often carries out visits prior to placements to look at the existing arrangements. However, it is necessary that school staff are familiar with these arrangements to support their students whilst gaining experience of the working world.

3.2 Many colleges and other training providers also have schemes where young persons take part in work experience of varying duration with employers. The Health and Safety (Training for Employment) Regulations 1990 state that those receiving relevant training should be treated as employees for the purposes of health and safety legislation. Relevant training means work experience provided as part of a training course or programme, or training for employment or both.

3.3 In addition to other health and safety legislation, the Working Time Directive places controls on the hours that can be worked by a young person.

3.4 Under the working time directive, young people:

- May not work between the hours of 10.00pm and 6.00am unless they have had a health assessment prior to commencing such work and regularly thereafter.
• Are entitled to a daily rest period of 12 consecutive hours in any 24-hour period.
• Are entitled to an un-interrupted weekly rest period of two days (consecutive days where possible) in every seven day period – this may be interrupted by justifiable short periods of work, although the rest period must not be shortened to less than 36 hours.
• Working for more than 4½ hours are entitled to a 30 minute daily rest break which should be taken consecutively where possible.
• Four weeks paid leave per year after a qualifying period of three months employment.

4. General management requirements

4.1 **Carry out suitable and sufficient risk assessments.** Employers may not take young persons into their employment unless:

• A risk assessment has been carried out, or
• An existing assessment is reviewed regularly, in order to ensure that any risks to those young persons are identified and addressed.

4.2 Where young persons are already employed, the existing risk assessments must be reviewed accordingly.

4.3 When assessing or reviewing the risks to young persons, employers must take the following factors into account;

• The inexperience and immaturity of young persons.
• Their lack of awareness of risks to their health and safety.
• The fitting out and layout of their workstation and workplace.
• The nature, degree and duration of any exposure to biological, chemical or physical agents.
• The form, range, use and handling of work equipment.
• The way in which processes and activities are organised.
• Any health and safety training given or intended to be given.

4.4 Particular attention should be paid to the risks associated with the agents, processes and work listed below:

• Ionising radiation.
• Work in high-pressure atmospheres.
• Biological agents belonging to category groups 3 and 4.
• Chemical agents that are classified as: toxic, very toxic, corrosive or explosive.
• Carcinogens (and certain related work processes).
• Lead and lead compounds.
• Asbestos.
• Manufacture and handling of fireworks and other explosive devices.
• Work involving fierce or poisonous animals.
• Industrial animal slaughtering.
• Irritant with one or more of the following risk phrases:

  - R12 - highly flammable.
  - R42 - may cause sensitisation by inhalation.
  - R43 - may cause sensitisation by skin contact.
• Harmful with one or more of the following risk phrases:
  ❖ R39 - danger of very serious irreversible effects.
  ❖ R40 - possible risk of irreversible effects.
  ❖ R42 - may cause sensitisation by inhalation.
  ❖ R43 - may cause sensitisation by skin contact.
  ❖ R45 - may cause cancer.
  ❖ R46 - may cause heritable genetic damage.
  ❖ R48 - danger of serious damage to health by prolonged exposure.
  ❖ R60 - may impair fertility.
  ❖ R61 - may cause harm to the unborn child.

• The handling of equipment for the production, storage and use of compressed, liquefied or dissolved gases.
• Work in vats, tanks, reservoirs or carboys containing any of the chemical agents listed above.
• Work where there is a risk of collapsing structures.
• Work involving high voltage electricity.
• Work where the pace of the work is controlled by machinery and payment is based on results.

4.5 In summary, young persons should not be expected to do work:
• Beyond their physical (manual handling) or psychological (decision making) capabilities.
• It would be good practice to include a review of the young persons current state of health and look at other personal factors, which may influence the risk assessment process.
• Work involving harmful exposure to radiation.
• Work involving risks to health from noise, vibration or extreme heat/cold.
• Work involving harmful exposure to any agents that can chronically affect them.

5. Training and instruction

5.1 The employer must ensure that all young people starting work are given general instruction in health and safety matters in an induction session that is geared to new employees who may not have worked in industry since leaving school. In many cases employers provide increased levels of supervision and support to young persons during the early stages of employment until they are satisfied that they appreciate the risks they are likely to encounter in the workplace.

6. Further information and advice

6.1 If at any time further advice, assistance or information on young people in the workplace is needed contact the Education Health and Safety Team at John Smith House (extensions 55034, 55035 or 55259) who will be able to help.